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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHERRI SEYFRIED,

Plaintiff,

v.

STATE OF WASHINGTON,  
UNIVERSITY OF WASHINGTON,  
UNIVERSITY OF WASHINGTON  
SCHOOL OF SOCIAL WORK,

Defendants.

**CV 02-2163**

COMPLAINT  
(JURY DEMAND)

Plaintiff Sherri Seyfried (Prof Seyfried) alleges as follows:

**Jurisdiction and Venue**

1. Prof Seyfried invokes this Court's jurisdiction to hear her claim for the denial of her right to equal protection of the law guaranteed by the 14<sup>th</sup> Amendment to the Constitution of the United States. In addition, she seeks relief for the failure of the University of Washington (University) to follow its own mandatory procedures in its decision to deny her a tenured faculty position at the University's School of Social Work (School).

2. Prof. Seyfried seeks damages and other appropriate legal and equitable relief for

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COMPLAINT



CV 02-2163 #1

violations of the United States Constitution and the common law of the State of Washington

3. Pursuant to 28 U.S.C. §1331 and 28 U.S.C. § 1343, this Court has jurisdiction to decide Prof. Seyfried's 14<sup>th</sup> Amendment claim.

4. Pursuant to 28 U.S.C. §1367, this Court has jurisdiction to decide Prof. Seyfried's state common law claim.

5. Because Defendants' alleged conduct against Prof. Seyfried occurred within King County, Washington, venue is proper in this Court.

### **Parties**

6. Prof. Seyfried, an African American, was, at all times material to this lawsuit, employed as a tenure track faculty member in the School at the University in Seattle, Washington.

7. The University is an agency of the State of Washington.

8. The School is an administrative unit of the University

### **Prof. Seyfried's Pre-Tenure History**

9. On September 16, 1994, Prof. Seyfried assumed her duties as an untenured assistant professor in the School at the University. In that capacity, the School required that she engage in scholarly activity, teach, and perform service to the School and the University.

10. In the spring of 1996, the School reviewed her performance on the three dimensions referenced above. As the result of the review, the School reappointed Prof. Seyfried as an untenured assistant professor for a period of three years

### **The University's Regulations Pertaining to Tenure**

11. RCW 28B.20.130(1) and (2) authorize the Board of Regents (Regents) of the University to govern the operations of the University.

12. Under Section 13-21 of the University's Faculty Code, the President of the

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1 University, in accordance with authority granted him or her by the Regents, may share with the  
2 University's faculty and academic deans the formulation of rules for governing the University.

3 13 Section 13-23 of the Faculty Code provides that the University's faculty and  
4 academic deans will have, with the President, joint responsibility for establishing criteria for  
5 granting tenure and formulating policies and procedures for determining whether to grant tenure  
6 to any given candidate for that status.

7 14. Section 13-24 of the Faculty Code requires that the faculty of the School make the  
8 initial recommendation regarding the granting of tenure to an assistant professor.

9 15. Section 24-54 of the Faculty Code requires the professors and associate professors  
10 of the School to meet to discuss the candidacy for tenure of the assistant professor and to vote on  
11 that candidacy.

12 16. Section 25-41.B of the Faculty Code mandates that that initial recommendation  
13 regarding whether to grant tenure to the assistant professor candidate be based on a majority vote  
14 of the professors and associate professors of the School.

15 17. Section 23-45 of the Faculty Code mandates that the School determine its own rules  
16 of procedure regarding the initial recommendation regarding tenure.

17 18 Section 23-56 of the Faculty Code makes clear that "[a]ll procedures regarding . . .  
18 tenure considerations outlined in the relevant sections of the Faculty Code must be followed . . .  
19 "

20 19. Sections 25-41 and 25-32 require that the School conduct a review for tenure of an  
21 untenured assistant professor no later than the end of his or her sixth year of employment as an  
22 assistant professor at the University.

23 20. In accordance with the authority granted by Section 23-45 of the Faculty Code, the  
24 School had in place, during the period 1995 through 2000, Policy Guidelines for Tenure,

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Promotion, and Continuation of Appointment for Regular Faculty (Policies) and Procedural Guidelines for Appointment for Regular Faculty (Procedures).

21. As authorized by the Faculty Code, the Policies and Procedures in place at the School during the period 1995 through 2000 were "procedures regarding tenure considerations" within the meaning of Section 23-45 of the Faculty Code

22. The Procedures required that the School conduct reviews for tenure in the fall.

23. The Procedures required that the School's Dean and its Executive Committee appoint an Ad Hoc Review Committee to evaluate the candidacy for tenure of an assistant professor.

24. The Procedures required that the Ad Hoc Review Committee prepare and distribute to the School's professors and associate professors a report on the assistant professor candidate for tenure at least four days prior to the meeting referenced in Paragraphs 14 and 15 above.

25. The Procedures allowed the Dean of the School to recommend a postponement of a decision on tenure after the School's faculty have voted on the candidacy for tenure of an assistant professor.

#### **Prof. Seyfried's Tenure Decision**

26. In 1999, during Prof. Seyfried's sixth year of employment as an assistant professor at the School, the School conducted a tenure review on her. Part of that review included the preparation of a report on her candidacy (Report) from an Ad Hoc Review Committee, comprising Professor Lewayne Gilchrist, a Caucasian female, Associate Professor Jean Kruzich, a Caucasian female, and Associate Professor Sue Sohng, a female of Korean ancestry.

27. On November 1, 1999, the report was distributed to the School's professors and associate professors.

28. In the Report the Ad Hoc Review Committee evaluated Prof. Seyfried on

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1 scholarship, teaching and service.

2 29 Based largely on numerical ratings on course evaluation forms completed by Prof  
3 Seyfried's students on each of the eleven courses that she taught during the five years preceding  
4 the issuance of the Report, the authors of that document concluded that she did not meet the  
5 School's expectations for teaching effectiveness.

6 30. After noting that Prof Seyfried had published three peer-reviewed articles in  
7 scholarly journals, had two such articles accepted for publication in a peer-reviewed journal, and  
8 had authored an in-press book review, the authors of the Report concluded that she had not met  
9 the School's expectations regarding scholarship.

10 31. On November 2, 1999, the School's professors and associate professors attended the  
11 meeting on Prof. Seyfried's candidacy as mandated by Sections 24-54 and 25-41.B of the  
12 Faculty Code In violation of the "four day" rule set referenced in Paragraph 24, the meeting  
13 took place on the day after the distribution of the Report had occurred At the meeting the  
14 School's professors and associate professors voted to recommend against tenure for Prof.  
15 Seyfried.

16 32. In February 2000, the Provost of the University notified the Dean of the School that  
17 the Dean's recommendation to deny tenure to Prof. Seyfried had been accepted.

18 33. In March 2000, the Dean of the School notified Prof. Seyfried that the Provost had  
19 accepted the recommendation to deny tenure

20 34. As a result, Prof. Seyfried's employment with the University ended on June 30,  
21 2001

#### 22 **Tenure Decisions of Comparators**

23 35. In evaluating Prof. Seyfried for tenure, the School intentionally treated her  
24 differently, without any rational basis for doing so, from other similarly situated persons

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1 including, for example, Sue Sohng

2 36. In the fall of 1995, Sue Sohng began her sixth year of employment as an assistant  
3 professor in the School

4 37. During the 1995-1996 academic year the School did not conduct the required review  
5 for tenure on Sue Sohng.

6 38. As of the fall of 1995, Sue Sohng had published one article in a peer reviewed  
7 scholarly journal, one chapter in a book, and one book review.

8 39 During the 1996-1997 academic year Sue Sohng continued to be employed as an  
9 assistant professor in the School.

10 40 During the fall of 1996 the School reviewed Sue Sohng for tenure.

11 41. An Ad Hoc Review Committee (Committee) prepared a report on Sue Sohng which  
12 was distributed to the School's faculty in October 1996.

13 42 In its report the Committee evaluated Sue Sohng's teaching performance for the  
14 twenty sections of courses that she had taught since her arrival at the School in 1990. In  
15 assessing Sue Sohng's performance for eleven of those sections the Committee made no  
16 reference to, or noted in any way, the numerical scores obtained by Sue Sohng on course  
17 evaluations completed by her students. The Committee's report concluded that Sue Sohng had  
18 met the criteria for tenure on the teaching dimension.

19 43. As to Sue Sohng's scholarship, the Report noted "that the quality and originality of  
20 Dr. Sohng's scholarship compensates for what might appear to be a modest number of  
21 publications." The Report concluded that Sue Sohng had met the criteria for tenure on the  
22 scholarship dimension

23 **Damages**

24 44. As result of the conduct set forth above, Prof. Seyfried suffered economic losses and

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1 damage to her professional career and reputation, emotional distress and loss of quality of life

2 **Claims for Relief**

3 45. Prof. Seyfried realleges Paragraphs 1 - 44 above.

4 46. By the conduct set forth above the University unlawfully failed to follow its own  
5 mandatory procedures that were a prerequisite to the vote by the School's faculty on Prof  
6 Seyfried's candidacy for tenure thereby denying her full and fair consideration of her candidacy  
7 for tenure.

8 47. By the conduct set forth above, the University denied Prof. Seyfried equal protection  
9 of the law in violation of the 14<sup>th</sup> Amendment to the Constitution of the United States

10 **Request for Trial by Jury**

11 48. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Prof. Seyfried requests  
12 trial by jury.

13 **Request for Relief**

14 Prof Seyfried requests that this Court award her judgment against the University to  
15 include the following.

16 (a) Actual damages in an amount to be determined at trial;

17 (b) Reinstatement as an assistant professor in the School and an order requiring  
18 the University to conduct another review of her candidacy for tenure in  
19 conformity with the University's regulations;

20 (c) Reasonable attorneys' fees and costs; and

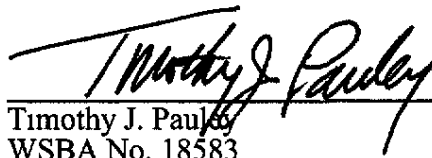
21 (d) Such other relief that the Court determines to be appropriate.

22 Dated this 17<sup>th</sup> day of October, 2002

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